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C O N F I D E N T I A L HARARE 001756

SIPDIS

AF/S FOR BNEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVELLE, D. TEITELBAUM
PARIS FOR C. NEARY

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TAGS: PGOV PHUM KPAO ZI

SUBJECT: GOZ TO OPEN MEDIA SPACE?

REF: A. HARARE 1722

1B. HARARE 988 AND PREVIOUS

Classified By: Classified by Ambassador Dell under reason 1.4 d

¶1. (C) On October 18, CEO Sam Nkomo of The Daily News (TDN), the independent daily that was closed by the GOZ in September 2003 and has been unsuccessful in its efforts to reopen (ref B), met with the Charge to discuss the status of TDN's consolidated court appeal. Although Nkomo did not identify his sources, he said he was told that the Supreme Court decision on the consolidated appeal was being prepared and would soon be released. Nkomo said he expected the decision to be in favor of TDN and that senior personnel were preparing for the paper to resume publishing. Nkomo said he believed that the decision would be favorable because of the recent trend of court decisions being made independent of the Executive, and because the GOZ was trying to cultivate a favorable image internationally.

¶2. (C) Nkomo expressed concern, however, that if the decision were favorable, the GOZ would find another way to shut the paper down. The Daily News has been operating an online version but has not made any income at all since the paper ceased publishing a print version. Nkomo said he feared that the GOZ could declare the paper insolvent and shut it down as a result.

COMMENT

¶3. (C) The potential reopening of The Daily News would be a significant occurrence in the lead up to the March Parliamentary elections. Since the GOZ closed TDN, the opposition MDC has had severely limited access to the media. Last month Minister for Justice, Parliamentary, and Legal Affairs Patrick Chinamasa publicly announced that the GOZ was drafting guidelines for access to government media by political parties in compliance with SADC election principles. During the last two weeks, however, Chinamasa and Information Minister Jonathan Moyo have publicly suggested that guidelines would only apply to "loyal" parties who were contesting elections, implicitly excluding the opposition MDC as long as it continued its conditional suspension of participation.

¶4. (C) Nkomo's confidence in a favorable court decision appears overly optimistic. Even assuming that the High Court's recent acquittal of MDC President Morgan Tsvangirai reflects increasing judicial independence (which is questionable, ref A), the Supreme Court, by contrast, has been more overtly oriented towards the GOZ. Moreover, even if Nkomo is correct and the Supreme Court upholds the numerous lower court judgments in TDN's favor, the newspaper still could be shut down under the pretext of violations of ordinary financial laws, or the Media and Information Commission could block publishing of the paper under its authority, independent of the Court's decision. There is no credible evidence the GOZ is willing to allow independent press to operate in advance of the March 2005 elections, and, thus, it seems unlikely that The Daily News would be allowed to publish before then. It is more likely that the GOZ will satisfy its ostensible commitment to SADC election principles by opening the official media marginally and belatedly to the opposition--and even then only if the MDC agrees to participate in the elections. An upcoming test of the GOZ's posture towards freedom of press will be its decisions in December on license renewals for the two independent weekly newspapers, the Independent and the Standard. Note: Both of the weeklies are owned by Zimbabwean media mogul, Trevor Ncube, who resides in South Africa and also owns the Mail and Guardian there. END COMMENT.

DELL